

## REMARKS

Claims 34-96 are pending in this application, all of which stand rejected. Claims 42, 46, 52, and 58-96 have been rejected under 35 U.S.C. § 101. Claim 47 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,298,338 (Melton). Claims 67-96 have been provisionally rejected for statutory double patenting under 35 U.S.C. § 101. Additionally, the specification has been objected to. Following entry of the amendment, claims 47, 59, 60, and 66-96, and the specification, will have been amended. Claims 42, 46, 48, 52, and 58 will have been canceled. For the reasons set forth below, applicants submit that this case is in condition for allowance.<sup>1</sup>

### Objections to the Specification

The priority claim contained in the specification has been amended to reflect that the parent case has now issued as a patent. In view of this amendment, applicants request that the objection to the specification be withdrawn.

### Section 101 Rejections (other than double patenting rejection)

Claims 42, 46, 52, and 58 have been canceled without prejudice or disclaimer of the subject matter thereof, thereby rendering the rejection of these claims moot.

Claims 59-66 are system claims, which have now been amended to recite the physical structure of one or more processors on which the various modules execute, and one or more storage mechanisms in which the various modules are stored. In view of this amendment, applicants request that the section 101 rejection of claims 59-66 be withdrawn.

Claims 67-96 are computer-readable medium claims that have now been amended to recite a “computer-readable storage medium.” In view of this amendment, applicants request that the section 101 rejection of claims 67-96 be withdrawn.

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<sup>1</sup> Applicants note that the “Office Action Summary” sheet accompanying the Office Action states that claims 34-96 have been rejected. However, in the Office Action itself, grounds for rejection are only given for claims 42, 46, 47, 52, and 58-96. Thus, applicants will proceed on the assumption that the summary sheet is in error, and that claims 34-41, 43-45, 48-51, and 53-57 have been found to have allowable subject matter, by virtue of the fact that no grounds of rejection have been offered. If the Examiner intended to reject any of claims 34-41, 43-45, 48-51, or 53-57, applicants request that the Examiner state such new grounds of rejection in a subsequent non-final office action, so that applicants can have an opportunity to respond.

Statutory Double Patenting Rejection Under Section 101

Applicants have reviewed U.S. Patent Application No. 10/998,761, and agree that those claims are nearly identical to claims 67-96 in the present case. Applicants will take steps to cancel claims 67-96 in Application No. 10/998,761, which will obviate the provisional statutory double patenting rejection, as set forth in MPEP 804.02(I). In anticipation of such action, applicants request that the provisional double patenting rejection be withdrawn.

Section 102 Rejection

The only claim rejected under section 102 is claim 47. Claim 47 has been amended to incorporate the features of its dependent claim 48. (Claim 48 has been canceled.)

Since dependent claim 48 has not been subject to any rejection – section 102 or otherwise – the incorporation of claim 48 into claim 47 overcomes the rejection of claim 47, and applicants request that the rejection of claim 47 be withdrawn.

No New Matter

The claim amendments do not introduce new matter.

The amendment to independent claim 47 incorporates the subject matter previously recited in dependent claim 48, and as such is supported at least by original claim 48.

The amendments to claims 59, 60, and 66 are supported at least by page 7, lines 5-6, page 8, line 8 through page 9, line 2, and FIG. 1.

The amendments to claims 67-96 recite that the “computer-readable medium”, as in the original claims, is a “computer-readable storage medium.” The amendment is supported by the original specification, at least at page 7, lines 18-26.

The amendment to the specification merely updates the priority case information, and does not introduce new matter.

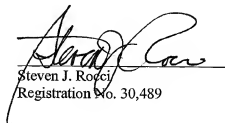
DOCKET NO.: MSFT-3957/160078.02  
Application No.: 10/829,595  
Office Action Dated: January 11, 2007

PATENT

Conclusion

For all of the foregoing reasons, applicants submit that this case is in condition for allowance.

Date: May 11, 2007



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